



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cefali, Eugenio A.
Application No.: 08/962421
Filed: October 31, 1997
Group No: 1615
Examiner: James M. Spear
Title: INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA
WHICH EXHIBIT AN IN VIVO STAIR-STEPPED
ABSORPTION CURVE

RECEIVED

JUN 30 1999

TECH CENTER 1600/2900

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)
I certify that, on the date shown below, this correspondence
is being deposited with the United States Postal Service in
an envelope addressed to the Assistant Commissioner for
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as first class mail.

Date: 6-30 1999

Jennifer Preuss
Signature
Name: Jennifer Preuss

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As Assignee of record of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked, and the following attorney is hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Peter J. Manso, Reg. No. 32,264
Akerman, Senterfitt & Eidson, P.A.



Attorneys at Law
Las Olas Centre, Suite 950
450 East Las Olas Boulevard
Fort Lauderdale, Florida 33301-2227
Telephone: 954-463-2700
Facsimile: 954-463-2224

Please send all correspondence and direct all telephone calls regarding this application to
Peter J. Manso at the address and telephone number provided above.

Attached to this Power is a "Statement Under 37 C.F.R. §3.73(b)."

A handwritten signature in black ink, appearing to read "Peter J. Manso".

Signature

Assignee: Kos Pharmaceuticals, Inc.

Title: President & CEO

Date: June 18, 1999



PATENT

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ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)--
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

The Assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

I, the person signing below, state that I am empowered to sign this statement on behalf of the Assignee. Ownership by the Assignee is established by an assignment from the inventor(s) of the matter identified above, which was filed in the USPTO on April 7, 1998.

A copy of the assignment as filed and the filing postcard is attached to this Statement.

A handwritten signature in black ink, appearing to read "DMK", is written over a solid horizontal line.

Signature

Assignee: Kos Pharmaceuticals, Inc.
Title: President & CEO

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Eugenio A. Cefali
5221 NW 78th Terrace
Lauderhill, FL 33351



Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of Conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other _____

Execution Date: March 16, 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/962,421

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Peter J. Manso

Internal Address: Jenkens & Gilchrist, P.C.
1100 Louisiana, Suite 1800

Street Address: 1100 Louisiana, Suite 1800

City: Houston State: Texas ZIP: 77002

Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00
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 Enclosed
 Authorized to be charged to deposit account. *

*If check is not received with this correspondence or additional fees are required, please charge to deposit account 10-0447/32892 26PJM.

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

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Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kevin R. Hansbro
Name of Person Signing

Kevin R. Hansbro
Signature

April 6, 1998
Date

Total number of pages comprising cover sheet: 1

CERTIFICATE OF MAILING 37 C.F.R. 1.10

I hereby certify that this document is being deposited with the United States Postal Service on this 6th day of April, 1998, in an envelope as "Express Mail Post Office ~~as~~ee", Mailing Label No. EE507465899US, addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231.

Date: April 6, 1998

Printed Name: PENNYE MOSES

Title of Invention: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia Which Exhibit An *In Vivo* Stair-Stepped Absorption Curve
Serial No.: 08/962,421
Date Filed: October 31, 1997

Signature of Inventor:

Inventor's Name: Eugenio A. Cefali
Residence: 5221 NW 78th Terrace
Lauderhill, Florida 33351
Citizenship: USA

Date:

Eugenio A. Cefali
March 16, 1998

STATE OF FLORIDA §
 §
COUNTY OF BROWARD §

BEFORE ME this 16th day of march, 1998, personally appeared EUGENIO A. CEFALI, known to me to be the person who is described and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.



Laurie Cote
Notary Public

ASSIGNMENT OF ENTIRE INTEREST

WHEREAS, I, the undersigned inventor, of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been filed on the date set forth below; and

WHEREAS, KOS PHARMACEUTICALS, INC. (hereinafter referred to as "Assignee"), with an address of 1001 South Bayshore Drive, Suite 2502, Miami, Florida 33131, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issued thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Attorney Docket No. 32892.26

PATENT



I hereby certify that this paper, with its indicated enclosures, is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee", Express Mail No. E6597465800US, under 37 C.F.R. §1.10 on April 6, 1998, and is addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231.


Penny Moses

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eugenio A. Cefali
Serial No.: 08/962,421
Filing Date: October 31, 1997
Group Art Unit: 1615
Examiner: Unassigned
Title: *Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia Which Exhibit An In Vivo Stair-Stepped Absorption Curve*

Box Assignments
Commissioner of Patents and Trademarks
Washington, D.C. 20231

PLEASE DOCKET
CLIENT # 32892.26
ATTY Moskowitz

COMMUNICATION

DOCKETED
SW - 4/17/98
file assignment 4/17/98

Dear Sir:

Enclosed are the following documents:

- Assignment of Entire Interest with Recordation Cover Sheet;
- Check in the amount of \$40.00 to cover the cost of the recordation fee; and
- Return postcard.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447/32892.26, for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue
fee transmittal form is filed.**

Respectfully Submitted,

Kevin R. Hansbro

Kevin R. Hansbro
Reg. No. 38,485

Jenkens & Gilchrist, P.C.
1100 Louisiana Street
Suite 1800
Houston, Texas 77002
(713) 951-3300
(713) 951-3314 (Fax No.)



THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

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Attorney:	11711
Serial No.:	11711
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<input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration	
<input type="checkbox"/> Application for Patent including specifications, claims	
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<input type="checkbox"/> Application for Intent-to-Use TM/SM	
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PO#10541 11711-0001